

### **REMARKS**

In the Office Action of December 12, 2005, claims 1-23 and 25 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,215,309 to Joel ("*Joel*"), and claims 1-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Joel*, in view of Ex. Parte Breslow 192 USPQ 431.

In response to the Office Action, Applicant now submits the foregoing amendments and the following remarks and arguments.

#### **I. Claim 16: The Likelihood Of Landing On Spaces Associated With A First Behavior Category Vs. Landing On Spaces Associated With A Second Behavior Category**

With regard to independent Claim 16, Applicant respectfully notes that the Examiner failed to respond to an important recitation therein which patentably distinguishes the present invention over *Joel*.

More specifically, Claim 16, as amended, recites that "wherein the proportion of spaces corresponding to the first behavior category to spaces corresponding to the second behavior category is substantially higher in the second play area than in the first play area." This aspect refers to one of the main aspects taught by Applicant's game, wherein a player is encouraged to move from a first path which includes a higher number of "improper behavior" spaces to a second path which includes a higher number of "proper behavior" spaces.

As argued previously, the disclosure of *Joel* does not disclose this feature. A proportion with regard to the distribution of "bad consequences" and "good consequences" playing spaces in the three concentric octagons is not part of *Joel's* teachings. In fact, the distribution of these spaces appear to be evenly split along the path. Thus, Applicant submits that claim 16, as presently amended, patentably distinguishes over *Joel*.

#### **II. Claim 26: Interpersonal Relationships**

Applicant respectfully notes that the board game disclosed in the present application and the way it is played, is different from the game disclosed in *Joel*. Where *Joel* teaches players about the preventive aspects of health care, the present invention teaches the emotional benefits

of practicing “connecting habits” in the context of interpersonal behaviors in order to improve the players’ interpersonal relationships.

To draw this distinction more effectively, Applicant has now recast independent apparatus Claim 1 as independent method Claim 26, and has correspondingly recast dependent Claims 2-14 as dependent Claims 27-39. Because *Joel* does not teach anything at all related to interpersonal relationships, there is no doubt a clear distinction between Applicant’s method of play, wherein interpersonal behavior is improved by practicing “connecting habits,” and the method of play of *Joel*. Applicant believes that independent Claim 26, as presently amended, thus clearly distinguishes over *Joel*.

### **III. Claim 41: The Use of Two Separate Paths During Game Play**

Applicant further respectfully notes that the board game disclosed in the present application and the way it is played, is different from the game disclosed in *Joel* in another important respect. As discussed at length in previous responses, where *Joel* teaches a single continuous path that winds around a game board in three concentric octagons, the present invention involves game play that initially involves movement of a token along a first path in a first play area, then subsequently shifts to movement of the token along a second path in a second play area. In particular, the shift takes place upon the occurrence of a particular event during play, wherein the particular event is achievable regardless of which space in the first path the token is on when the particular event occurs. This clearly distinguishes game play of the present invention from that of *Joel*, wherein token movement occurs only along the single continuous path.

To draw this distinction more effectively, Applicant has further recast independent apparatus Claim 16 as independent method Claim 41, and has correspondingly recast dependent Claims 17-23 as dependent Claims 42-48. Because *Joel* teaches only a single continuous path, there is no doubt a clear distinction between Applicant’s method of play, wherein play occurs in a first play area until the occurrence of a particular event during play but the event can occur regardless of which space in the first path the token is on when the event occurs, and the method of play of *Joel*. Applicant believes that independent Claim 41, as presently amended, thus clearly distinguishes over *Joel*.

In support of this contention, Applicant respectfully notes that the Examiner failed to recognize the distinction between a single continuous path divided into three concentric octagons from two completely separate paths with regard to the game apparatus, concluding that the concept of separate paths relates instead to the rules of play for the game. Applicant thus submits that recognition of the concept of paths must be given in the context of a method of play.

Further, Applicant notes that in *Joel*, movement from the end of one “sub-path” to the beginning of another occurs only when a token reaches the end of the “sub-path”—i.e., only when the token is in the last space in the respective sub-path (space 50 or space 51). This is in direct contrast to the recited limitations that the shift from one path to another occurs “upon the occurrence of a particular event during play,” wherein “the particular event [is] achievable regardless of which space in the first path the token is on when the particular event occurs.”

#### **IV. Dependent Claims 40 and 49: Moderating Game Play**

In addition to being patentable as depending from believed-patentable independent Claims 26 and 41, it is respectfully submitted that Claims 40 and 49 are separately patentable based on their own, newly-claimed limitations. More particularly, Claims 26 and 41 each further recite the step of supervising, by a moderator trained in the study of interpersonal relationships, the steps of playing the game. Though some versions of the game may be played without such a moderator, this step reflects a useful variation of the game where an individual trained in the study of interpersonal relationships moderates game play. This feature has not been heretofore claimed.

#### **V. Conclusion**

In view of the foregoing, the Applicant respectfully submits that Claims 16 and 26-49 of the present application are now in condition for allowance, based upon the limitations of Claims 16, 26 and 41 (as amended) and the further limitations contained within each dependent claim. Thus, the Applicant respectfully requests that these claims be allowed.

Finally, it is respectfully requested that the Examiner contact the undersigned if any further action is deemed necessary by the Examiner in order to gain allowance of the present

application, and if such further action may be accomplished through an Examiner's amendment or otherwise.

Respectfully submitted,  
Tillman Wright, PLLC

/James D. Wright/

James D. Wright  
Reg. No. 43,291  
Tel.: 704-248-6155  
Fax: 877-248-5100